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ABSTRACT

This paper documents efforts made by some Virginians in the first half of the 20th century to promote and maintain racial separatism. In the early 1920s, the Anglo-Saxon Clubs of America were founded in Virginia, and the leaders of this group successfully persuaded the state legislature to pass, in 1924, the Race Integrity Act. This Act created two racial groups in Virginia: white and colored. Anyone who could not prove himself or herself white was classified as colored for the purposes of birth records, marriage licenses, school attendance, and death certificates. Much of this paper focuses on Virginia's first Registrar of Vital Statistics, Walter Plecker, and his campaign to preserve the integrity of the white race, which he perceived to be threatened. Under the Race Integrity Act there was no valid means of determining racial status, so Plecker had the opportunity to make subjective decisions about the rights of people to marry, to designate the race of their own children on birth certificates, and to claim a racial heritage of their own choosing. Plecker devoted a great deal of time and energy to discounting the claims of Virginia's Indian peoples to their heritage. The legislative, bureaucratic, and judicial means Plecker and others sought to use in these efforts are recounted. (DB)

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EUGENICS, RACE INTEGRITY AND THE TWENTIETH-CENTURY ASSAULT ON VIRGINIA'S INDIANS

by

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a presentation to the

Organization of American Historians

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In the fall of 1922 John Powell and Earnest Sevier Cox founded the Anglo-Saxon Clubs of America. Powell was an influential Richmonder with an FFV heritage. He was also known internationally as a composer and concert pianist. One of his best known works is "Rhapsodie Negre", which is based on themes from spirituals, minstrel shows and plantation life. Cox was an insurance salesman and would-be historian who wrote books entitled White America and Lincoln's Negro Policy. Powell and Cox were brought together by their shared beliefs in white supremacy based on social Darwinism and the eugenic necessity for racial separatism.

An article in the Richmond News Leader in June, 1923 described the goals of the Anglo-Saxon Clubs of America:

> "The fundamental purpose of the organization is the preservation and maintenance of Anglo-Saxon ideals and civilization in America. This purpose is to be accomplished in three ways: first, by the strengthening of Anglo-Saxon instincts, traditions, and principles among representatives of our original American stock; second, by intelligent selection and exclusion of immigrants; and third, by fundamental and final solutions of our racial problems in general, most especially of the Negro problem" (p. 5).

Also included in the News Leader article was a related petition. Under Powell's leadership the Anglo-Saxon Clubs (there were already several chapters in Virginia) were seeking signatures endorsing the following motions:

"1. There shall be instituted immediately a system of registration and birth certificates showing the racial composition (white, black, brown, yellow, red) of every resident of the state.

2. No marriage license shall be granted save upon presentation and attestation under oath by both parties of said registration or birth certificate.

3. White persons may only marry whites.

4. For the purposes of this legislation, the term 'white persons' shall apply only to individuals who have no trace whatsoever of any blood other than Caucasian" (p. 5).

This petition was presented to the Virginia General Assembly at its next session. The purposes of the petition and the goals of the Anglo-Saxon Clubs of America were achieved during that session in 1924 with the passage of the Race Integrity Act. This legislation was enacted largely as a result of the lobbying efforts of John Powell, Earnest Cox and Virginia's first Registrar of Vital Statistics, Walter Ashby Plecker. In essence the Race Integrity Law created two racial groups in Virginia: white and colored. Anyone who could not prove herself or himself white, was classified as colored for the purposes of birth records, marriage licenses, school attendance, or death certificates; all points where personal freedom and governmental control interacted.

The most troublesome aspect of the statute was, of course, defining with any precision the criteria for being a member of the white race. The original idea, as stated in the Anglo-Saxon Clubs' petition, was that anyone with any trace of anything other than Caucasian blood would be considered colored. The way that the concept of white race purity was operationalized, however, shows just how impossible it was to employ in any rational way. An illustration of this is found in a letter that Walter Plecker, a physician, wrote in his capacity as Registrar of Vital Statistics to a school superintendent who had inquired about ascertaining the race of a family. Plecker said:

> "...As to deciding the point of race, you and the sheriff, and any other intelligent citizen of your community, are as capable of judging from the appearance of the child as the most learned scientist. There is absolutely no blood or other test to determine that question--only the appearance of the children and the habits of the mother as to association with negroes" (Plecker, 1940).

Given this lack of valid means for determining racial status in the way that the law required, however, Plecker continued to make subjective decisions about the rights of people to marry, to designate the race of their own children on birth certificates, and to claim a racial heritage of their own choosing. He was fifty-one years old when he became the State Registrar of Vital Statistics. When he resigned the post in 1946 he was eighty-

five. For thirty-four years he directed the recording and maintenance of information concerning births, marriages and deaths in the Commonwealth of Virginia. By using the authority of the Race Integrity Act he intervened directly in the most personal and valued areas of the lives of thousands of people.

In his campaign to preserve what he believed was the threatened racial purity of the white race Plecker was particularly troubled by vestigial groups of Indian people who had survived in Virginia into the twentieth century. From the beginning they had posed difficulties for the advocates of the Race Integrity Act. The one exception to the "pure blood" requirement for classification as a white person was that "...persons who have one-sixteenth or less of the blood of the American Indian and have no other non-Caucasic blood shall be deemed to be white persons"(Plecker, 1925). This exception bothered many of the law's strongest advocates and an attempt was made to amend the act to lower the allowable fraction of Indian blood to not more that 1/32, with the rest Caucasian blood. This amendment was vehemently opposed, however, by many established Virginia families who had boasted for generations of their lineage to Pocahontas. Had the amendment been enacted many of them could have been categorized as "colored" under its provisions, an entirely unacceptable designation for many FFVs.

Plecker devoted a great deal of time and energy to discounting the claims of Virginia's Indian people to their heritage. He was annoyed by the threat they posed to the clean

separation that the law had made between white people on the one hand, and everyone else, colored people, on the other. He launched a particularly aggressive and long campaign against them. In a letter responding to an inquiry about Virginia's Indians he commented:

> "...there are probably no native Virginia Indians unmixed with negro.
>
> Our office is in possession of old birth, death and marriage records reaching back to 1853. The marriages were reported by the county clerks to the State Auditor at the end of each year, and indicated whether the parties were white or 'Free Negroes'... These old records are now in our keeping. In practically every case where the pedigree of these so-called 'Indians' has been investigated it has been found to be founded upon this free negro blood" (Plecker, 1925).

Plecker then proceeded in his letter to discount the claims to Indian heritage of each Native American group in Virginia. The Pamunkeys he discounted as "heavily mixed with negro and white"...[with] "a faint trace of Indian." He described the Rappahannocks as a "group of similar origin [that] have about the same claim to being Indians." Plecker claimed of the Chickahominy Indians that "their existence as a tribe was a political trick, to enable the white people to maintain control of the county government, Indians not being voters." Finally he

mentioned the group which would become the most frequent target of his official campaign against Indians. "The Amherst-Rockbridge group of about 800 similar people, are giving us the most trouble, through actual numbers and persistent claims of being Indians" (Plecker, 1925).

An early challenge to the use that Plecker made of the Race Integrity Act against Indian people came from Rockbridge County. A woman named Atha Sorrells was denied a license to marry a white man. Plecker and the local court clerk contended that Atha Sorrells was a colored woman. She claimed that the only blood she had other than Caucasian was Indian, and that she had less than 1/16 of that. The case was heard in circuit court. The judge hearing the case found the evidence prepared by Plecker and John Powell to be unconvincing. He ordered that Atha Sorrells should be issued a marriage license.

Powell and Plecker immediately declared that they would appeal the decision. They were convinced otherwise, however, by the opinion of an Assistant Attorney General of Virginia with whom they consulted concerning the appeal. He informed them that the judge in the case, Henry Holt, had decided that if there was an appeal of the particulars of the case, he would amend his opinion and declare the Race Integrity Act unconstitutional. He also offered both assistance and advice in his letter to Powell:

> "Of course, if you and Dr. Plecker wish the case to go to the Court of Appeals, this office will take it there, but the thought has occurred to me that inasmuch

as the law seems to be working all right outside of Judge Holt's circuit, we would run the risk of losing a great deal on the chance of reversing him in one case" (Bazile, 1924).

The case was not appealed. The law remained in effect for more than forty years. For the next 25 years Walter Plecker continued to deny marriage licenses and birth certificates to people claiming Indian heritage. He intervened in selective service matters when Indians volunteered for military service insisting that they be assigned to "colored" units. He even made changes to records when he did not agree with racial designations, often without informing the people affected. He sent "hit lists" of names to local registrars and clerks of courts. These were lists of people who should not be allowed to use any racial designation other than colored. All of this was done on the basis of information which would prove to be inaccurate, and a law that proved to be unconstitutional years after it should have been tested.

Russell Booker, the current Director of Virginia's Bureau of Vital Statistics, has commented on Plecker's use of his office. His examination of the old records so often referred to by Plecker show that "colored" and "free" were terms often applied to people who were in fact recognized to be Indians.

"In the mid-19th century, state records for births, marriages and deaths were divided into two

categories: 'white' and 'colored'. The 'colored' category was subdivided into 'free' and 'slave'."

"In the 1920s, when Plecker and his friends got the racial integrity acts passed, 'colored' had been defined as 'Negro'," Booker said. "Indians, who had been considered 'colored', now were considered to be black."

"He could change records, and he did," Booker said. "If someone came in and said, 'I'm Indian', Plecker could say, 'Your grandfather was free negro. So you're Negro'. Actually, the grandfather wasn't listed as 'Negro' at all, but as 'colored-free'.

Plecker browbeat local registrars into changing records. He made a list of surnames of people who claimed to be Indian. He browbeat hospitals--'We know who these people are. <u>You</u> know who they are'. Hospitals learned not to record these family names as Indian."

"...What this is, is documentary genocide" (Green, 1987).

During Plecker's years in the Virginia Bureau of Vital Statistics, he sent copies of official correspondence concerning the Race Integrity Law and related racial matters to his friend John Powell. When Powell died he left his papers to the University of Virginia. There are several large files of Plecker correspondence included in the Powell Collection. While

examining those files I discovered a challenge that came to Plecker a few years before his retirement, and it may be that it was this incident which curtailed his harassment of Indian people.

In 1942 a request from Amherst County was received in Plecker's office for a copy of a birth certificate. The request came from a person claiming to be Indian. When the requested copy was received it showed that "Indian" did appear on the original birth certificate. It had been issued before the 1924 Race Integrity Act. On the back of the certificate, however, Plecker had appended the following statement:

> "The Virginia Bureau of Vital Statistics does not accept the racial classification 'Indian' on this certificate as correct and does not admit the correctness of that term for the race of the parents of [name] and [name], the grandparents and great-grandparents are colored and descendants of free negroes. Under the law of Virginia, [name] is, therefore, classified as a colored person" (Plecker, 1942).

Soon Plecker heard from this person's attorney, John Randolph Tucker, a lawyer with a prestigious Richmond firm. Tucker made the following observations to Plecker:

> "...I find no where in the law any provision which authorizes the Registrar to constitute himself judge

> and jury for the purpose of determining the race of a child born and authorizing him to alter the record as filed in his office by the local registrars. I desire and demand a correct copy of the record in your office as it there appears, without comment from you and without additions or subtractions, and I hereby notify you that unless I obtain a prompt compliance with your official duties, as prescribed by law, I shall apply to a proper court for a mandamus to compel you to perform your duty as prescribed by the statute" (Tucker, 1942).

Plecker must have recognized immediately that he was defeated in this case, that he simply had no legal legs to stand on. He quickly responded to Tucker's demands. He did, however, include in his letter to Tucker a comment which conveyed his bitterness at complying with the law:

> "...As you point out, and as the Attorney General advises, the law does not permit us to give the truth on the certificates but seems to compel me as State Registrar to certify to what I know to be absolutely false" (Plecker, 1942).

Within a few days Plecker wrote to his old friend and colleague, John Powell, about this incident. After describing the circumstances and the outcome, which he characterized as the "worst backset which we have received since Judge Holt's decision", he talked about a strategy for changing his vulnerable position in this regard. He explained that he planned to try to

have legislation introduced to the next General Assembly which would legitimize his practice of making racial notations on the backs of birth certificates. He then made a disclosure to Powell which is so telling of his methods and ethics. He admitted, "In reality I have been doing a good deal of bluffing, knowing all the while that it could not be legally sustained. This is the first time my hand has absolutely been called" (Plecker, 1942).

In a letter to the Commissioner of Indian Affairs in April, 1943, Plecker answered a complaint which had been lodged with the Commissioner's Office by a woman who claimed Indian status on the birth certificate of her child. She complained that her designation had not been honored and that she had been harassed. Apparently a person on the Commissioner's staff had advised him of Plecker's "lists" and drew a parallel with the Nazi race hygiene program. Plecker acknowledged the comparison with seeming pride.

> "We would be delighted to have you or our representative visit our office and examine the mass of original and pedigree charts...showing the racial origin of mixed breeds trying to pass as Indian or white. Our own indexed birth and marriage records, showing race, reach back to 1853. Such a study has probably never been made before. Your staff member is probably correct in his surmise that Hitler's genealogical study of the Jews is not more complete"(Plecker, 1943).

Russell Booker described what Walter Plecker was attempting to do to Indian people as documentary genocide. I agree with his conception. From my study of the Race Integrity Act, and from my previous work on involuntary sterilization legislation and other aspects of the eugenics movement, I have come to believe that eugenics, which provided the philosophical and political undergirding for the actions of Powell and Plecker, was an attempt at genocide on several fronts. It is clear to me that once the scientific and social trappings are removed, the eugenics movement was an attempt to eliminate the presence of certain races and classes of people from this country. In some cases this meant genocide by taking away reproductive capacity; sterilization of people from an underclass who were labeled feebleminded. In other cases it meant genocide by needlessly removing people from society and containing them in institutions. In other instances it meant attempting to send a race of people "back to Africa" and thereby eliminating them from the United States. In still other cases it took the form of attempting to destroy completely a race of people, Native Americans, by legislating and bureaucratizing them out of existence. In each instance the people in question were made to be viewed as an inferior strain of humanity. They were made into a pseudospecies. The fact that some of these people survived psychologically and culturally is a testament to their dignity and courage.

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